



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC No.: PAHa13041111

██████████,  
Complainant,

v.

PLANNED PARENTHOOD OF INDIANA,  
Respondent.

### NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On May 7, 2013, ██████████ ("Complainant") filed a Complaint with the Commission against Planned Parenthood of Indiana ("Respondent") alleging discrimination on the basis of race and disability in violation of the in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) ██████████. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Respondent denied Complainant equal access to its services. In order to prevail on such a claim, Complainant must show that 1) she is a member of a protected class; 2) Respondent offers its services to the public; 3) she tried to use Respondent's services; 4) Respondent denied her full and equal access to its services; and 5) Respondent treated similarly-situated patients without impairments or of another race more favorably under similar circumstances.

It is evident that Complainant is a member of a protected class by virtue of her race, African-American and disability. Further, it is undisputed that Respondent is a place of public accommodation. Moreover, there is sufficient evidence to believe that Respondent denied Complainant services and that it treated similarly-situated patients of another race or without disabilities more favorably under similar circumstances.



By way of background, Respondent provides various health services to patients and accepts numerous forms of insurance including various forms of Medicare and Medicaid. At the time relevant to the Complaint, Complainant was covered by Medicare; however, the parties dispute whether she was covered by Medicaid. On or about February 22, 2013, Complainant visited Respondent's Avon location for an appointment. Upon checking in, Complainant indicated that she did not have her insurance card, but was insured by both Medicaid and Medicare. Respondent accessed Medicaid's website, but the parties dispute whether the website showed that her benefits were active. Respondent alleges that Medicaid's website showed her benefits as inactive and pursuant to policy and procedure, denied Complainant the opportunity to use her Medicaid benefits. Respondent also alleges it offered Complainant the ability to pay cash for its services. However, Complainant has provided evidence that her Medicare benefits were active at the time Respondent denied her services and that Respondent failed to offer her the ability to pay cash for its services. Moreover, evidence shows that Respondent has no written or definitive procedure regarding accessibility of services without a Medicaid card. Ultimately, Complainant left the Avon location, travelled to Respondent's Meridian Street location to obtain needed services, and was able to pay using Medicaid.

Despite Respondent's assertions, there is sufficient evidence to believe that it treated Complainant less favorably than similarly-situated patrons. Respondent admits that a staff member at its' Avon location "incorrectly" informed Complainant that she could not receive services without her Medicaid card. Moreover, it is clear that Respondent accepts both Medicaid as well as Medicare, and that it was aware that Complainant's Medicare benefits were active. Further, Complainant used her Medicaid, without an insurance card, at Respondent's Meridian Street location on the same day as she was denied services from the Avon location. As there is sufficient evidence to believe that a nexus exists between Complainant's protected class status and the denial of services at Respondent's Avon location, probable cause exists to believe that a discriminatory act may have occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

August 26, 2014  
Date

Akia A. Haynes  
Akia A. Haynes, Esq.  
Deputy Director  
Indiana Civil Rights Commission